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Measures to eliminate international terrorism

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Report of the Secretary-General

Addendum

II. Measures taken at the national and international levels regarding the prevention and suppression of international terrorism and information on incidents caused by international terrorism

A. Information received from Member States

1. **Australia** provided information on the multilateral conventions relating to international terrorism that it had signed or ratified.[1] In addition, it provided the texts of the Acts indicated below.[2]

2. Australia reported that the Crimes (Internationally Protected Persons) Act 1976 gives effect to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. Section 8 of the Act creates a series of offences against internationally protected persons, which include murder, kidnapping and attacks upon their person or liberty. An "internationally protected person" is defined in the Act and includes visiting Prime Ministers, presidents and diplomats. Additional relevant legislation is the Overseas Missions (Privileges and Immunities) (Consequential Amendments) Act 1995.

3. The Crimes (Aviation) Act 1991 gives effect to the Convention for the Suppression of Unlawful Seizure of Aircraft, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and its supplementary Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation and the Convention on Offences and Certain Other Acts Committed on Board Aircraft. Part II of the Act creates a series of offences, including offences relating to hijacking and acts of

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violence on board aircraft, offences affecting aircraft and the safe operation of aircraft (including the destruction of aircraft with the intent to kill), offences relating to the safety of civil aviation and acts of violence at certain airports, and offences relating to federal aerodromes and air navigation facilities (which includes endangering the safety of aerodromes). Part III of the Act deals with restoring control of aircraft and dealing with offenders.

4. The Crimes (Hostages) Act 1989 gives effect to the International Convention against the Taking of Hostages.

5. The Crimes (Ships and Fixed Platforms) Act 1992 gives effect to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. Division 1, Part II, creates certain offences in relation to ships, including acts of violence and those causing death, while Part III creates a similar range of offences in relation to fixed platforms.

6. The Crimes (Biological Weapons) Act 1976 and Regulations gives effect to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxic Weapons and on their Destruction. Section 8 makes it an offence to develop, produce, stockpile or otherwise acquire or retain certain biological agents and toxins and biological weapons. Australia is actively involved in the development of a verification protocol for this convention. The Chemical Weapons (Prohibition) Act 1994 gives effect to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction.

7. The Nuclear Non-Proliferation (Safeguards) Act 1987 gives effect to the Convention on the Physical Protection of Nuclear Material and makes it an offence to steal nuclear material or to use it, or threaten to use it, to cause injury to people or damage to property. Other relevant legislation in this field is the Weapons of Mass Destruction (Prevention of Proliferation) Act 1995, which brings into effect relevant parts of the Treaty on the Non-Proliferation of Nuclear Weapons and its Extension. Australia is actively involved in the negotiation of a draft international convention for the suppression of nuclear terrorism.

8. The Crimes (Foreign Incursions and Recruitment) Act 1978 creates offences relating to incursions into foreign States for the purposes of engaging in hostile activities, and recruitment and preparations for such incursions (subject to a number of exceptions). This Act outlaws some but not all of the conduct prohibited by the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. The Government of Australia is preparing to amend the Act to allow Australia to accede to this Convention.

9. The Public Order (Protection of Persons and Property) Act 1971 creates offences relating to assemblies at certain premises involving violence or the apprehension of violence.

10. Australia participated in the negotiation of the International Convention for the Suppression of Terrorist Bombings and is currently considering acceding to the Convention. Furthermore, Australia is actively engaged in the negotiation of a draft international convention for the suppression of the financing of terrorism.

11. **Madagascar** reported that Malagasy legislation did not deal with the subject. However, as a result of threats that had been made following the attacks in Dar es Salaam and Nairobi and the events in Kosovo and Kashmir, permanent security measures had been taken in respect of the diplomatic missions of the United States of America and the United Kingdom, which had been specifically targeted. Madascar reiterated its desire to see the establishment of a specialized anti-terrorist police force equipped with the resources needed to mount an adequate response.

12. **Slovakia** reported that, with regard to the application and implementation of the international instruments on the prevention and suppression of international terrorism, the legal system of Slovakia does not include the definition of a terrorist act which would encompass all actions referred to as acts of terrorism in the international instruments by which Slovakia is bound.[3] However, the terrorist acts are subsumed under several types of criminal offences punishable in accordance with Penal Code No. 140/1961 as amended. The elements of the crimes of terrorism, as set out in the international instruments on terrorism, are stipulated in the Penal Code of the Slovak Republic under the respective criminal offences.[4]

Notes

[1] See A/54/301, chap. III A.

[2] The texts of the relevant documents are available in the Codification Division of the Office of Legal Affairs.

[3] The annex to Slovakia's response containing the list of the international instruments referred to is available in the Codification Division of the Office of Legal Affairs.

[4] The text of the relevant provisions of the Penal code of the Slovak Republic is available in the Codification Division of the Office of Legal Affairs.